

**REMARKS/ARGUMENTS**

Claims 1-31 are pending in the instant application. Claims 5, 14, 23, 25, 27, 28 and 30 stand rejected under 35 U.S.C. § 112 for being indefinite. Claim 30 stand rejected under 35 U.S.C § 101 for an improper definition of a process. Claims 1-31 stands rejected under 35 U.S.C § 102 as being anticipated by United States Patent No. 5,714,166 to Tomalia et al. and rejected under 35 U.S.C § 103 as being anticipated by the teaching of United States Patent No. 5,714,166 to Tomalia et al. The specification is objected to for failing to include a section “Brief Description of the Drawings”. The specification has been amended. Claims 25, 27 and 30 have been cancelled without prejudice. Claim 24 has been incorporated into claim 1 and 4. Claims 5, 14, 23 have been amended in accordance with the examiners suggestion. Claims 1 and 4 have been amended by introducing the limitation “extending radially asymmetrically in one direction from a central core moiety.” This limitation is found on page 6, lines 4 to 7. Applicants submit that none of the amendments constitute new matter in contravention of 35 U.S.C. §132. Reconsideration is respectfully requested.

Claim 30 stands rejected under 35 U.S.C. § 101 as being directed to unpatentable subject matter. Claim 30 has been cancelled hereinabove so as to obviate the rejection.

Claims 2, 14, 23, 25, 27, and 30 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These rejections are respectfully traversed or obviated by amendment.

Claims 5, 14, and 23 have been amended in accordance with the Examiner’s suggestion. Withdrawal of the rejection is respectfully requested with respect to these claims.

Claims 25, 27, and 30 have been cancelled herein so as to obviate the rejection of these claims.

The rejection of claim 28 under 35 U.S.C. § 112 for being indefinite is respectfully traversed. Applicant submits that the term “deprotecting any protecting group” is a well established technique in the preparation of synthetic compounds. Moreover, the Examiner is respectfully directed to page 17, lines 25 to 29 in the specification which outlines the deprotection process. As the term “deprotecting any protecting group” is well established, Applicants submit that the claim is definite. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-31 stand rejected under both 35 U.S.C. § 102(e), as being anticipated by, and 35 U.S.C. § 103(a), as being obvious in view of, United States Patent No. 5,714,166 to Tomalia. These rejections are respectfully traversed.

The present invention provides a compound including a radially asymmetric dendrimeric polymer backbone having linked thereto at least one reporter moiety. The polymer backbone includes a plurality of amine-containing acids extending radially asymmetrically in one direction from a central core moiety so as to result in a targeting vector with a large tail to which plurality of reporter units may be attached.

Tomalia describes starburst dendrimers and some unsymmetrical lysine based dendrimers where different branching on a single dendrimer is used to achieve what Tomalia defines as asymmetrical dendrimers. That is, the individual branch itself is asymmetrical. And while Tomalia discloses that the core may include one or more dendrimers extending therefrom, Tomalia fails to disclose, teach or suggest dendrimers extending to only one side of the core. Tomalia is directed to providing an exterior surface layer formed from the free ends of the dendrimer branches and encapsulating a core, column 11, lines 45-50. Figure 2 illustrates that even a single dendrimer should form branching which extends almost fully about the core.

Applicant respectfully submits that Claim 1, as amended to include the limiting feature “extending radially asymmetrically in one direction from a central core moiety”, is patentably distinct over Tomalia. Support for this amendment is found at page 6, lines 4-7.

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Tomalia does not disclose, teach, or suggest this class of compounds. Tomalia describes in column 2, lines 60-62 that because the branch arms of the lysine based dendrimers are of different length, this leads to unsymmetrical dendrimers. Conversely, the asymmetric compounds of the present application are compounds being asymmetric on the macroscopic level and not due to the different length of the branch arms of the dendrimer as described by Tomalia. Regarding the examiners reference to claims 65 and 66 of Tomalia these claims covers dense stars polymers and not compounds having the features as defined in the amended claim 1. As Tomalia fails to disclose, teach, or suggest compounds having radially asymmetric extending acids from one side of the central core moiety, Applicants respectfully submit that the present invention is patentably distinct thereover. Reconsideration and withdrawal of the rejections are respectfully requested.

In view of the amendments and remarks hereinabove, Applicants respectfully submit that the present invention, including claims 1-23, 26, and 28-29, is in conduction for allowance. Favourable action thereon is respectfully requested.

Should the Examiner have any questions with respect to the foregoing, he is respectfully invited to contact Applicant's undersigned counsel at the telephone number below.

Respectfully submitted,



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